

# HOUSE JOURNAL

## OF THE

# IDAHO LEGISLATURE

FIRST REGULAR SESSION  
SIXTY-THIRD LEGISLATURE

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**THIRTY-THIRD LEGISLATIVE DAY**  
**FRIDAY, FEBRUARY 13, 2015**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 67 members present.

Absent – Pence, Redman, Wills. Total – 3.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Emily Luker, Page.

### 3RD ORDER

#### Approval of Journal

February 13, 2015

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-second Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Gannon. Report adopted.

### 4TH ORDER

#### Consideration of Messages from the Governor and the Senate

February 12, 2015

Mr. Speaker:

I return herewith enrolled [H 27](#) and [H 28](#) which have been signed by the President.

NOVAK, Secretary

Enrolled [H 27](#) and [H 28](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 12, 2015

Mr. Speaker:

I transmit herewith [S 1036](#) which has passed the Senate.

NOVAK, Secretary

[S 1036](#) was filed for first reading.

February 12, 2015

Mr. Speaker:

I return herewith [H 21](#) and [H 22](#) which have passed the Senate.

NOVAK, Secretary

[H 21](#) and [H 22](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

### 5TH ORDER

#### Report of Standing Committees

February 13, 2015

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 6](#), [HCR 7](#), [HCR 8](#), [H 115](#), [H 116](#), [H 117](#), [H 118](#), [H 119](#), [H 120](#), [H 121](#), [H 122](#), [H 123](#), [H 124](#), [H 125](#), and [H 126](#).

WILLS, Chairman

[HCR 6](#) and [H 120](#) were referred to the Commerce and Human Resources Committee.

[HCR 7](#), [HCR 8](#), [H 123](#), [H 124](#), and [H 125](#) were referred to the Resources and Conservation Committee.

[H 115](#), [H 116](#), [H 117](#), [H 118](#), and [H 119](#) were referred to the Business Committee.

[H 121](#) was referred to the Judiciary, Rules, and Administration Committee.

[H 122](#) and [H 126](#) were referred to the Education Committee.

February 12, 2015

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 39](#) and [H 75](#) and recommend that they do pass.

COLLINS, Chairman

[H 39](#) and [H 75](#) were filed for second reading.

February 12, 2015

Mr. Speaker:

We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration [H 68](#) and recommend that it do pass.

LUKER, Chairman

[H 68](#) was filed for second reading.

February 13, 2015

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 69](#) and [H 70](#) and recommend that they do pass.

PALMER, Chairman

[H 69](#) and [H 70](#) were filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

### 8TH ORDER

#### Introduction, First Reading, and Reference of Bills and Joint Resolutions

#### HOUSE BILL NO. 127

#### BY LOCAL GOVERNMENT COMMITTEE

#### AN ACT

RELATING TO ANNEXATION BY CITIES; AMENDING SECTION 50-222, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ANNEXATION BY CITIES AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 128**  
**BY LOCAL GOVERNMENT COMMITTEE**  
 AN ACT

RELATING TO THE WITHDRAWAL OF CANDIDACY; AMENDING SECTION 34-717, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE WITHDRAWAL OF CANDIDACY.

**HOUSE BILL NO. 129**  
**BY TRANSPORTATION AND DEFENSE COMMITTEE**  
 AN ACT

RELATING TO ALL-TERRAIN VEHICLES, UTILITY TYPE VEHICLES, SPECIALTY OFF-HIGHWAY VEHICLES AND MOTORBIKES; AMENDING SECTION 49-426, IDAHO CODE, TO PROVIDE AN EXCEPTION TO A PROHIBITION OF OPERATION OF CERTAIN VEHICLES AND MOTORBIKES ON CONTROLLED ACCESS HIGHWAYS, TO PROVIDE THAT THE IDAHO TRANSPORTATION BOARD MAY DESIGNATE SECTIONS OF STATE HIGHWAYS OVER WHICH SPECIFIED VEHICLES AND MOTORBIKES MAY TRAVEL, TO PROVIDE THAT SPECIFIED VEHICLES AND MOTORBIKES MAY TRAVEL UPON AND CROSS CERTAIN PORTIONS OF NON-FULL ACCESS-CONTROLLED STATE HIGHWAYS UNLESS CLOSED AND TO PROVIDE FOR THE APPLICABILITY OF SPECIFIED LAW.

**HOUSE BILL NO. 130**  
**BY TRANSPORTATION AND DEFENSE COMMITTEE**  
 AN ACT

RELATING TO LIENS; AMENDING SECTION 45-805, IDAHO CODE, TO PROVIDE FOR LABOR AND MATERIAL LIENS ON MOTOR VEHICLES AND TO PROVIDE FORMS.

**HOUSE BILL NO. 131**  
**BY TRANSPORTATION AND DEFENSE COMMITTEE**  
 AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-117, IDAHO CODE, TO REVISE THE DEFINITION OF "PRINCIPAL PLACE OF BUSINESS."

**HOUSE BILL NO. 132**  
**BY TRANSPORTATION AND DEFENSE COMMITTEE**  
 AN ACT

RELATING TO MOTOR FUELS; AMENDING SECTION 63-2402, IDAHO CODE, TO REMOVE REFERENCE TO SPECIAL FUELS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-2424, IDAHO CODE, TO REMOVE CERTAIN FEES AND TO REVISE THE TAX ON GASEOUS SPECIAL FUELS; AND AMENDING SECTION 63-2423, IDAHO CODE, TO REMOVE REFERENCE TO A PERMIT.

[H 127](#), [H 128](#), [H 129](#), [H 130](#), [H 131](#), and [H 132](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1036](#), by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

There being no objection, the House advanced to the Tenth Order of Business.

**10TH ORDER**  
**Second Reading of Bills and Joint Resolutions**

[H 61](#), [H 62](#), and [H 64](#), by Judiciary, Rules, and Administration Committee, were read the second time by title and filed for third reading.

[S 1021](#), by Education Committee, was read the second time by title and filed for third reading.

**11TH ORDER**  
**Third Reading of Bills and Joint Resolutions**

**[H 78](#) - EMPLOYMENT SECURITY LAW**

[H 78](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. King to open debate.

The question being, "Shall [H 78](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen, Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Perry, Raybould, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 67.

NAYS – None.

Absent – Pence, Redman, Wills. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 78](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

**[H 82](#) - IDAHO STATE POLICE**

[H 82](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Trujillo to open debate.

The question being, "Shall [H 82](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen, Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Perry, Raybould, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 67.

NAYS – None.

Absent – Pence, Redman, Wills. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 82](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 33 - HEALTH AND SAFETY**

**H 33** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hixon to open debate.

The question being, "Shall **H 33** pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen, Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Perry, Raybould, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 67.

NAYS – None.

Absent – Pence, Redman, Wills. Total – 3.

Total – 70.

Whereupon the Speaker declared that **H 33** passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 76 - TAX LEVIES**

**H 76** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Kauffman to open debate.

The question being, "Shall **H 76** pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen, Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Perry, Raybould, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 66.

NAYS – Dixon. Total – 1.

Absent – Pence, Redman, Wills. Total – 3.

Total – 70.

Whereupon the Speaker declared that **H 76** passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 85 - INCOME TAX**

**H 85** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Rudolph to open debate.

The question being, "Shall **H 85** pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen, Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Perry, Raybould, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 67.

NAYS – None.

Absent – Pence, Redman, Wills. Total – 3.

Total – 70.

Whereupon the Speaker declared that **H 85** passed the House. Title was approved and the bill ordered transmitted to the Senate.

**HCR 3 - EDUCATION**

**HCR 3** was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Luker to open debate.

The question being, "Shall **HCR 3** be adopted?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Harris, Hartgen, Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Raybould, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Troy, Trujillo, VanOrden, Vander Woude, Wintrow, Youngblood, Mr. Speaker. Total – 63.

NAYS – Gibbs, Perry, Thompson, Wood. Total – 4.

Absent – Pence, Redman, Wills. Total – 3.

Total – 70.

Whereupon the Speaker declared **HCR 3** adopted and ordered the resolution transmitted to the Senate.

**H 17 - MOTOR VEHICLES - AUTOCYCLES**

**H 17** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Palmer to open debate.

Pursuant to Rule 38(3), Ms. Sims disclosed a conflict of interest regarding **H 17**.

The question being, "Shall **H 17** pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Chew, Clow, Collins, Crane, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen, Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, Mendive, Miller, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Perry, Raybould, Romrell, Rubel,

Rudolph, Rusche, Shepherd, Smith, Troy, Trujillo, VanOrden, Vander Woude, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 60.

NAYS – Cheatham, Dayley, McMillan, Monks, Scott, Sims, Thompson. Total – 7.

Absent – Pence, Redman, Wills. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 17](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

#### **[H 52](#) - YOUTH CHALLENGE PROGRAM**

[H 52](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Wintrow to open debate.

At this time, Mr. Moyle took the Chair.

The question being, "Shall [H 52](#) pass?"

Roll call resulted as follows:

AYES – Anderst, Andrus, Bateman, Batt, Beyeler, Boyle, Burtenshaw, Chaney, Chew, Clow, Collins, Crane, DeMordaunt, Erpelding, Gannon, Gestrin, Hartgen, Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, McCrostie, McDonald, Miller, Monks, Nielsen, Nye, Packer, Palmer, Perry, Raybould, Rubel, Rudolph, Shepherd, Smith, Troy, Trujillo, VanOrden, Wintrow, Youngblood. Total – 46.

NAYS – Anderson, Barbieri, Bell, Cheatham, Dayley, Dixon, Gibbs, Harris, McMillan, Mendive, Moyle, Nate, Romrell, Scott, Sims, Thompson, Vander Woude. Total – 17.

Absent – Malek, Pence, Redman, Rusche, Wills, Wood, Mr. Speaker. Total – 7.

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 52](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

#### **16TH ORDER Adjournment**

Mr. Crane moved that the House adjourn until 10 a.m., Monday, February 16, 2015. Seconded by Mr. Erpelding. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 11:56 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk